



[Investigation No. 337-TA-1260]

Notice of Institution of Investigation; Certain Toner Supply Containers and Components Thereof (II)

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 8, 2021, under section 337 of the Tariff Act of 1930, as amended, on behalf of Canon Inc. of Japan; Canon U.S.A., Inc. of Melville, New York; and Canon Virginia, Inc. of Newport News, Virginia. A supplement was filed on March 26, 2021. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain toner supply containers and components thereof by reason of infringement of certain claims of U.S. Patent No. 10,209,667 (“the ’667 patent”); U.S. Patent No. 10,289,060 (“the ’060 patent”); U.S. Patent No. 10,289,061 (“the ’061 patent”); U.S. Patent No. 10,295,957 (“the ’957 patent”); U.S. Patent No. 10,488,814 (“the ’814 patent”); U.S. Patent No. 10,496,032 (“the ’032 patent”); U.S. Patent No. 10,496,033 (“the ’033 patent”); U.S. Patent No. 10,514,654 (“the ’654 patent”); U.S. Patent No. 10,520,881 (“the ’881 patent”); U.S. Patent No. 10,520,882 (“the ’882 patent”); U.S. Patent No. 8,565,649 (“the ’649 patent”); U.S. Patent No. 9,354,551 (“the ’551 patent”); and U.S. Patent No. 9,753,402 (“the ’402 patent”). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainants request that the Commission institute an investigation and, after the investigation, issue a general exclusion order, or in the alternative a limited exclusion order, and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. Hearing impaired individuals are advised

that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10 (2020).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on April 7, 2021, ORDERED THAT –

(1) Pursuant to section 210.10(a)(6) of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10(a)(6), two separate investigations be instituted based on the complaint to further efficient adjudication, one of which is instituted by this notice of investigation.

(2) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (3) by reason of infringement of one or more of claims 1, 2, 6, 7, 12, 25, and 26 of the '649 patent; claims 1-7 of the '551 patent; and claims 1, 15-18, 22, 23, 25-27, 32, 36, 37, 39-41, and 46 of the '402 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(3) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10(b)(1), the plain language description of the accused products or

category of accused products, which defines the scope of the investigation, is “certain toner supply containers and components thereof that are sold as replacements for Canon toner supply containers used in Canon copy machines”;

(4) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Canon Inc.

30-2, Shimomaruko 3-chome

Ohta-ku, Tokyo 146-8501, Japan

Canon U.S.A., Inc.

One Canon Park

Melville, New York 11747

Canon Virginia, Inc.

12000 Canon Boulevard

Newport News, Virginia 23606

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Sichuan XingDian Technology Co., Ltd.

23B/24A, East Building, New Century Computer Mall

Wuhou District

Chengdu

Sichuan, China 610041

Sichuan Wiztoner Technology Co., Ltd.

No.2666, 4th Section of Konggang Road,

Southwest Airlines Economic Development

Zone Chengdu

Sichuan, China 610200

Anhuiyatengshangmaoyouxiangongsi

Xiaokoucun

Haitouzhen

Ganyuqu, China 222002

ChengDuXiangChangNanShiYouSheBeiYouXianGongSi

ShaWanLu63Hao1Dong2DanYuan5Lou1HaoFu7Hao

JinNiuQu

ChengDuShi

SiChuanSheng, China 610000

Digital Marketing Corporation d/b/a Digital Buyer Marketing Company

155 W. Washington Blvd.

Suite 306

Los Angeles, California 90015

Do It Wiser LLC d/b/a Image Toner

3422 Old Capitol Trail, #747

Wilmington, Delaware 19808

Hefei erlandian zishang wuyou xiangongsi

Xue fushe qu huancheng dong luyi duan 193 195 ha

Pidu qu tuan jie zhen

Chengdu shi, China 610000

Shenzhen shi Keluodeng Keji you xiangongsi

Yangguang huayuan 6dong 601

Buji jiedao, Longgang qu

Shenzhen

Guangdong, China 518112

MITOCOLOR INC.

18351 Colima Road, Suite A #2810

Rowland Heights, California 91748

Xianshi yanliang qu canqiubaihuodianshanghang

Yanliang qu XinhualujiedaobanbeizhushichangX-572

Xianshi

Shanxisheng, China 710089

Zhuhai Henyun Image Co., Ltd.

No. 76, Nanping Technology Industrial Park

Xiangzhou District

Zhuhai, China 519000

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondent in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.13. Pursuant to 19 C.F.R. 201.16(e) and 210.13(a), as amended in 85 Fed. Reg. 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of the respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: April 7, 2021.

Lisa Barton,

Secretary to the Commission.

